

Freedom of Information & Protection of Privacy Review Office Video Surveillance Guidelines

The following is solely intended to provide a point of reference for the use video surveillance and recording in public areas by a public authority, i.e. a police force.

Video surveillance and recording should only be considered and utilized to address a real, pressing and substantial problem.

- . The problem to be addressed by video surveillance must be pressing and substantial, and of sufficient importance to warrant overriding the right of individuals to be free from surveillance in a public place. Accordingly, evidence of the problem to be addressed is needed and should include real evidence of risks, dangers, crime rates, etc. Specific and verifiable reports of incidents of crime, public safety concerns or other compelling circumstances are needed, not just anecdotal evidence or speculation.

A Privacy Impact Assessment of the proposed video surveillance and recording should be conducted before it is implemented.

- . A Privacy Impact Assessment (PIA) of the proposed video surveillance should be conducted to identify the actual, or potential, kind and degree of interference with privacy that may result, and determine ways in which any adverse effects may be mitigated.

Fair information practices should be respected in collection, use, disclosure, retention and destruction of recorded personal information.

- . The information collected through video surveillance should be minimal. Its use should be restricted, its disclosure controlled, its retention limited, and its destruction assured.
- . If a camera is manned, the recording function should only be turned on in the event of an observed or suspected infraction. If a camera records continuously, the recordings should be conserved for a limited time only, according to a retention schedule, unless they have captured a suspected infraction or are relevant to a criminal act that has been reported to the police.
- . Information collected through video surveillance should not be used for any purpose other than the purpose that a police force or public authority has explicitly stated in their respective policy.
- . Information relating to any release or disclosure of recordings should be documented.

Policy Development

- . A comprehensive written set of policy guidelines governing the use of video surveillance and/or video recording is fundamental. Such policy should clearly set out:
 - . the rationale and purpose of the video and/or recording system
 - . the location and field of vision of the equipment
 - . notification to the public that they will be under video surveillance
 - . the rationale and purpose of the specific locations of equipment and fields of vision selected
 - . which personnel are authorized to operate the system
 - . the time(s) when the surveillance will be in effect
 - . whether, and when recording will take place
 - . the place where signals from the equipment will be received and monitored
- . Additionally, fair information principles should also be considered when developing policy relating to video recorded information. Such as the security, use, disclosure, retention and destruction of the video recordings and the right of individuals to have access to their personal information captured. The policy should also identify a person accountable for privacy compliance and privacy rights associated with the system and should require officers, employees and contractors adhere to it, and provide sanctions if they do not. The policy should also provide a process to be followed in the event of inadvertent privacy and security breaches. Finally, the policy should also provide procedures for individuals to challenge compliance with the respective policy.